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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/882,018

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Claire-Sabine Randriamasy

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/882,018	Applicant(s) RANDRIAMASY, CLAIRE-SABINE	
	Examiner WILLIE J. DANIEL JR	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments filed 26 January 2009 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the comments in this section and Final Action mailed on 25 July 2008).

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 1 on pg. 3, section A, 1st full par., "...does not disclose all of claim 1...using information on outgoing handovers boundaries of a respective cell obtained from said incoming handover boundaries obtained from said cellular network...", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the combined teachings of well-known prior art Vasudevan and Bodin that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Vasudevan discloses the language as related to the claimed feature(s) dividing each cell of said cellular network into a set of sectors which reads on the claimed "areas" using information on outgoing handovers boundaries of a respective cell obtained from incoming handover boundaries obtained from said cellular network (see col. 1, line 64 - col. 2, line 5; col. 5, lines 1-12; Figs. 5, 6, 7, 8, and 20), where the cell is divided into areas for handover of traffic. As a note, Vasudevan discloses using information (see col. 1, lines 30-60), where planning of a system is optimized according to parameters and constraints of the system for determining handover boundaries (see col. 3, lines 13-17). As further support in the same field of endeavor, Bodin discloses the language as related to the claimed feature(s) determining a traffic threshold which reads on the claimed "value" for each of said areas (see col. 8, lines 14-19, 44-64; col. 11, lines 4-11; col. 13, lines 9-19; Figs. 3, 22b, 22f, and 22h), where a threshold is calculated for each cell area. Therefore, the combination(s) of the reference(s) Vasudevan and Bodin as addressed above more than adequately meets the claim limitations.

3. Regarding applicant's argument on pg. 3, section B, 1st full par., "...neither...bins nor...sectors can correspond to the recited areas...", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the combined teachings of well-known prior art Vasudevan and Bodin that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Vasudevan discloses the language as related to the claimed feature(s) sectors which reads on the claimed "areas" (see col. 1, line 67 - col. 2, line 5; col. 3, lines 13-17), where the system has cells with sectors (e.g., 3 sectors) (see Fig. 20), where the cell sectors have areas with handover boundary regions (see col. 4, lines 54-59; col. 5, lines 5-10) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Therefore, the combination(s) of the reference(s) Vasudevan and Bodin as addressed above more than adequately meets the claim limitations.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...construing areas based on outgoing..." - see pg. 6, 1st full par.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding applicant's argument of claim 1 (see above), the applicant's argument relies on a feature(s) not recited in the claim(s).

5. In addition to the above, the method of claim 1 claims of constructing a representation of the geographical distribution of traffic. Claim 1 recites "...dividing...determining...outputting..." in line(s) 3-9 of the claim. The Examiner requests clarification as to what element(s), if any, included in claim 1 constitutes performing the method.

6. Regarding applicant's argument(s) of claims 3-11, the claims are addressed for the same reasons as set forth above and as applied in each claim rejection of the Final Action.